

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

116123-011

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Typed or printed
name _____

Application Number

09/990,871

Filed

November 16, 2001

First Named Inventor

Alhadad et al.

Art Unit

2614

Examiner

M. Wlahee

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

57,195

Registration number

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Gregory P. Sitrick

Typed or printed name

312-578-6845

Telephone number

May 22, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐

*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Alhadad et al.
Appl. No.: 09/990,871
Conf. No.: 2339
Filed: November 16, 2001
Title: AUTOMATED BUSINESS FORM INFORMATION ACQUISITION SYSTEM
(FAQSOFT II)
Art Unit: 2614
Examiner: Elahee, MD S
Docket No.: 116123-011

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Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This request is submitted in response to the Final Office Action dated February 22, 2007. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

Remarks begin on page 2 of this paper.

REMARKS

Claims 21-49 remain in this application. Claims 21, 33 and 45 are the focus of this request. Favorable reconsideration is respectfully requested.

Claims 21-49 were rejected under 35 U.S.C. §102(b) as being anticipated by *Rogers et al.* (US Patent 5,946,386). Applicants submit these rejections are improper, and requests reversal by this Panel.

Applicants maintain that the cited art fails to teach or disclose any system, including one in which a forms-based target application program is used by the call agent while the call agent conducts live voice communications with the party during the call ... the primary purpose of the call being the collection of information from the calling party that the agent enters into a form, as recited in claim 21, and similarly recited in claims 33 and 45. Applicants further maintain that the cited art fails to teach or disclose any software enhancement that can automatically trigger one or more actions that the forms-based target application program itself does not offer, and be able to do so without any access to the source code of the forms-based target application program, as required by claims 21, 33 and 45.

Applicants note that the Response to Arguments stated that: "the examiner considers the claimed 'or' in line 33 of the claim 21 as simple alternative 'or'; and if, examiner proves any one of the alternatives is prior art, then what the claim teaches is read on the prior art. In this instance, only the claimed 'one or more of said pre-recorded voice message' is read on the prior art."

Merely stating that the prior art (Rogers et al.) teaches playing pre-recorded voice messages to a caller (Col. 29, lines 59-67 and Col. 31, lines 11-15, 45-50, 60-67) is not enough for the prior art to anticipate or support a 102(b) rejection of claims 21, 33 or 45 of the pending application. Claims 21, 33 and 45 require much more than playing pre-recorded messages to a caller. The claims at issue require "a target application enhancement mechanism that is linked with and executed as an enhancement to said forms-based target application program", that "in association with a live voice communication with said [calling] party [and call agent], ... automatically triggers one or more actions, in addition to those performed by said forms-based target application program ... so as to cause automatic playback, by said voice message storage and retrieval mechanism to said party."

(See claims 21, 33 and 45). Furthermore, claims 21, 33 and 45 clearly state that the primary purpose of the call is for the call agent to fill in information into the fields of a form in response to answers provided by the caller during the live voice communication. Live voice communication never occurs in Rogers. The prior art does not anticipate the claim when the claim is properly read as a whole in context.

The Office Action cites “Add”, “Delete” or checking box of Figure 7 and Col. 36, lines 46-50 from Rogers et al. to support the rejection that Rogers et al. teaches “said live voice communication being necessary to accomplish the primary purpose of a call, said primary purpose being the collection of information from said party that said call agent enters into a form containing a plurality of objects.” These citations do not support such a rejection as these citations relate to VIP rules for the system of Rogers et al. to handle and route calls. The off-line handling and routing of calls using the VIP rules have nothing to do with “live voice communication with a party” with the “primary purpose being the collection of information from said party that said call agent enters into a form containing a plurality of objects,” as required by claims 21, 33 and 45. (See Rogers et al. Col. 36, lines 35-36). All of the “objects” appearing in Rogers et al. address call routing. None of the “objects” in Rogers et al. appear on a form that is to be filled in, with a calling parties information, by a call agent, during the course of a live voice communication between the calling party and the call agent.

The Office Action also states that Figure 7 of Rogers et al. teaches a forms-based target application program. Applicants disagree that Figure 7 of Rogers et al. teaches a form, however, even assuming for arguments sake that Figure 7 teaches the display of a form, the form of Figure 7 is not filled in with information being solicited from a caller. The information shown in Figure 7 relates to information provided by and about the call agent, to establish rules for routing of calls. (See Rogers et al. Col. 4, lines 60-61 and Col. 36, lines 53-55 “Each VIP rule contains three parts to define who the rule applies to, what action is to be taken, and when the rule applies. Figure 7 illustrates the three displays for the who, what, when parts of the VIP rules.”).

The Office Action also states that Col 29, lines 59-67 and Col. 30, lines 60-67 of Rogers et al. teaches automatically triggering one or more actions in addition to those of the forms-based target application. Claims 21, 33 and 45 require a software enhancement mechanism that is linked with the base target application. There is no disclosure of a software enhancement in Rogers et al.

In fact, all actions disclosed in Rogers et al. are part of the base target application. Furthermore, Rogers et al. fails to teach a software enhancement that is linked with a forms-based target application program and is operative, in response to the call agent performing a prescribed interaction with displayed objects in association with live voice communications (non-existent in Rogers et al.) with the party, as required in claim 21 and similarly in claims 33 and 45. Moreover, Rogers et al. fails to teach a software enhancement to the target application wherein one or more actions are automatically triggered that are in addition to actions performed by the forms-based target application program itself as required in claim 21 and similarly in claims 33 and 45. Lastly, Rogers et al. fails to disclose a software enhancement mechanism for automatically triggering one or more actions in addition to actions performed by the forms-based target application program, without access to the source code of the forms-based target application program as required in claim 21 and similarly in claims 33 and 45.

To summarize, Applicants notes that the Rogers et al. patent is deficient for several reasons. First, the call routing mechanism of Rogers et al. is off-line based, wherein the call handing agent supervises the routing of a call without live voice communication dialogue with the calling party. Second, because the call handler supervises routing without engaging in live voice communications, the call handler does not obtain information from the calling party that the call handler then enters into the fields of a form displayed on the call handler's workstation in the course of live communications between the call handler and the calling party. Third, Rogers et al. has no enhancement program that is linked with its base routing program to provide actions in addition to those of the base routing program without access to the source code of the base routing program. In the off-line, supervised-routing system disclosed in Rogers et al., all actions are performed by the target base routing program itself and all actions are performed while a call agent is **not** in live voice communication with another party.

Lastly, Applicants note that the Response to Arguments stated that "the applicant has failed to provide specific arguments that point out the distinctions believed to render the claims patentable." Applicants strongly disagree with this statement and note that the arguments presented in this pre-appeal brief were set forth with specificity in Applicant's Amendment filed along with its Request for Continued Examination on May 30, 2006.

For the reasons cited above, Applicants request the rejections be reversed and respectfully submit that claims 21-49 are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. It is further noted that no fees are due in connection with this response at this time. If any fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the Attorney Docket Number (0116123-011) on the account statement.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

BY



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Dated: May 22, 2007